



Flathead Conservation District  
133 Interstate Lane, Kalispell, MT 59901  
www.flatheadcd.org 406-752-4220

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### **CALL TO ORDER & ATTENDANCE**

Chair Ronald Buentemeier called the May 14, 2018, 310-Stream Permit meeting to order at 7:00 P.M. in the conference room.

### **Board members present:**

Ronald Buentemeier, Chair; Pete Woll, Vice Chair; Dean Sirucek, Secretary/Treasurer; Lori Curtis, Supervisor; John Ellis, Supervisor; Verdell Jackson, Supervisor; being a quorum of the Board. **Board members absent:** Mark Siderius, Absence is excused.

Also in attendance were: Valerie Kurth, Hailey Graf and Ginger Kauffman, FCD staff; Leo Rosenthal and Kenny Breidinger, MFWP; Ken Margett; Dan O'Neill; Jackie Sheppard; Heidi Shepherd; Dale Motley; Kent Reimer; Chet Todd; Tim Calaway.

### **MINUTES**

Dean Sirucek motioned "to approve the minutes of the May 23, 2018, business meeting as amended." Pete Woll seconded. Motion carried unanimously.

### **CORRESPONDENCE**

1. Email: 2018 Montana Youth Range Camp.  
<http://dnrc.mt.gov/divisions/cardd/camps/montana-youth-range-camp>  
Contact Stacey Barta, DNRC, 406-444-6619, [sbarta@mt.gov](mailto:sbarta@mt.gov)
2. Email: Flathead Lakers publication *River 2 Lake News*
  - The U.S. Fish and Wildlife Service is seeking public input on alternative management plans proposed for the *Bison Range Complex*. USFWS is holding a public meeting May 9, 5:00 - 8:00 p.m. at Montana Fish, Wildlife and Parks, 490 N. Meridian Rd., Kalispell. Comments due May 25. For information [National Bison Range planning website](http://www.fws.gov/mountain-prairie/refuges/nbrp.php) ([www.fws.gov/mountain-prairie/refuges/nbrp.php](http://www.fws.gov/mountain-prairie/refuges/nbrp.php)) or call 644-2211.
  - R2L Initiative quarterly meeting, Wednesday, May 16, 9:00 am to noon, Flathead Land Trust office in Kalispell. For more information, 883-1341 or [criticallands@flatheadlakers.org](mailto:criticallands@flatheadlakers.org).
  - *Ties to the Land Workshop* is a full-day interactive workshop to assist landowners with succession planning, including discussion of conservation easements. April 30, 9 am to 5 pm, MT Fish, Wildlife and Parks office, 490 North Meridian Rd., Kalispell. Cost of the workshop is \$50 for the first family member and \$10 for each additional family member. For more information and to register call Ed Levert at 406-293 2847 or download the flyer and registration form at [www.flatheadrivertolake.org/news-and-events](http://www.flatheadrivertolake.org/news-and-events).



3. Email: National Association of Conservation Districts publications *eResource*, *Conservation Clips*,  
<http://www.nacdnet.org>
4. Email: Montana Watershed Coordination Council newsletter *Watershed News*  
<https://mtwatersheds.org>
5. Email: Flathead Audubon Society newsletter *the Pileated Post*  
[www.FlatheadAudubon.org](http://www.FlatheadAudubon.org)
6. Email: Judith Basin Range School, May 24, 2018, Geyser Community Hall, Geyser, MT. Contact Teresa Wilhelms, Judith Basin Conservation District 406-566-2311, Ext. 107. [Teresa.Wilhelms@mt.usda.gov](mailto:Teresa.Wilhelms@mt.usda.gov)
7. Email: City of Whitefish Planning Board meeting, May 17, 2018, 6:00 P.M., Whitefish City Council Chambers [www.cityofwhitefish.org](http://www.cityofwhitefish.org)
8. Email: Petroleum CD newsletter *Petroleum County CD Dirt*  
[www.petroleumcd.com](http://www.petroleumcd.com)
9. Email: Soil & Water Conservation Districts of Montana (SWCDM)
  - Newsletter *The Montana Conservationist*
  - Riparian Grazing Workshops, June 26 -28
 Contact <http://macdnet.org>
10. Email: National Association of Conservation Districts (NACD)  
*The NACD eResource* <http://www.nacdnet.org>
11. Email: Job announcement for term and summer positions at the Bridger Plant Materials Center located in Bridger, MT to conduct agronomic and plant based work being done at the Center. For more information, visit [www.swcdm.org/hiring](http://www.swcdm.org/hiring). Complete applications must be submitted to [hiring@macdnet.org](mailto:hiring@macdnet.org) by May 11th at 5 P.M.
12. Email: 2018 Envirothon Results. Contact Shonny Nordlund, Fergus CD, 406-538-7401, Ext. 3001.
13. Email: Clark Fork & Kootenai River Basins Council Spring 2018 activities update & annual meeting recap. Contact Montana Watershed Coordination Council  
<https://mtwatersheds.org>
14. Email: Whitefish Planning Board meeting, May 17, 2018, 6:00 p.m., Whitefish City Council Chambers, 418 E 2nd Street, Whitefish. <http://www.cityofwhitefish.org>
15. Thank-you card from college scholarship recipient Keegan Siebenaler.

## **FINANCIAL**

The following bills were reviewed:

1. Byte Savvy \$45.00
2. Flathead Audubon Society \$2069.00
3. Flathead Beacon \$528.00
4. Montana Chapter SWCD \$5.00
5. MontanaSky Networks \$40.93
6. Montana State Fund \$450.52
7. Mountain States Leasing – Kalispell \$1545.56
8. Whitefish Legacy Partners \$737.63
9. MT DNRC Resource Development Bureau \$250.00 (Krause Creek)
10. MT DNRC Resource Development Bureau \$250.00 (Trumbull Creek)



11. Carolyn Cichowski \$1980.00

12. VISA \$375.89

Pete Woll motioned "to approve the bills as presented." Loris Curtis seconded. Motion carried unanimously.

### **PUBLIC COMMENT PERIOD**

No one was present to comment on items not listed on the agenda.

### **310**

**Big Mountain**, FL2018016, First Creek, bridge: Lori Curtis reported the landowner wants to put in an 8'x15' bridge. Lori reviewed the considerations in the Team Member Report. Kenny Breidinger noted this site is between Magic Carpet and Base Lodge. Lori Curtis motioned "to approve the application as submitted with the drawing provided 5/2/18." John Ellis seconded. Motion carried unanimously. Lori Curtis motioned "to waive the 15-day waiting period." Dean Sirucek seconded. Motion carried unanimously.

**Boyd**, FL2017053C, Nine Mile Creek, complaint: An onsite inspection was set for Wednesday, May 30, 9:00 A.M. at the site.

**Brosten**, FL2018015, Flathead River, bank stabilization/flood protection: Pete Woll explained that the applicant wants to stabilize the bank and improve the dike, which is eroding, before high water. When he and Leo visited the site, they saw that the dike has become very narrow in three spots. They also noticed that bank undercutting is severe near the house and it is causing three big trees to fall. They recommended that the applicant do emergency work to stabilize the dike in the three places and also remove the three trees to reduce the weight on the undercut bank. The applicant should then submit a notice of emergency to FCD. They will then need to get assistance with a design for improving the dike and stabilizing the bank, which they will submit as a modification to their permit application. No documents have been received from the applicant. Pete and Leo clarified that the erosion to the bank and dike is caused by wave erosion on Flathead River. Pete Woll motioned "to table the application until the applicant submits further information." Lori Curtis seconded. Motion carried unanimously.

**Campbell**, FL2018008, Whitefish River, bridge: Ronald Buentemeier stated the applicant wants to replace the existing bridge, which is old and in need of repair. Ronald Buentemeier reviewed the considerations in the in the Team Member Report. He noted that treated wood is not acceptable; however using steel for decking would be acceptable. The applicant stated he is looking into steel and fresh cut timber, which they would prefer. Kenny Breidinger reported the current bridge is held up by piers; the new bridge will be a free standing structure. Ronald Buentemeier motioned "to approve the application with modifications." Verdell Jackson seconded. Motion carried unanimously.

**Garner**, FL2018013, Krause Creek, bank stabilization/channel alteration: Pete Woll stated the applicants want to place root wads and brush piles as a test project to slow the water down and potentially lessen the grade. The Garners will monitor the project with photo



plots and depth measurements. This project is downstream of the proposed restoration project. Pete reviewed the considerations in the Team Member Report. Leo Rosenthal stated this is a cost effective way of grade control. The landowner wants to install 6-8 brush bundles. The creek is unique in this area because, historically, it was an alluvial fan, but, as the area was developed, it has been channelized. Although the stream only has water during runoff, over time the depth of the channel has become impressive with deeply-incised banks approximately 8' high. Pete Woll motioned "to approve the application as proposed per the Team Member Report. The 15-day waiting period is waived." John Ellis seconded. Motion carried unanimously.

**Margett**, FL2018020, Big Lost Creek, culvert: An onsite inspection was set for Tuesday, May 29, 9:30 A.M. at the site.

**Mayard**, FL2018021, Stillwater River, bank stabilization: An onsite inspection was set for Tuesday, May 29, 11:00 A.M. at the site.

**Miser/LEC**, FL2018007, Unnamed, utilities: Verdell Jackson stated the applicant wants to put in an electrical line when it is dry, and he reviewed the considerations in the Team Member Report. Kenny Breidinger stated this is a small creek that flows only during run off. There is a driveway with a culvert, and they will trench against the culvert inlet. Verdell Jackson motioned "to approve the application as submitted." Lori Curtis seconded. Motion carried unanimously.

**Motley**, FL2018022, Mill Creek, culvert: An onsite inspection was set for Friday, June 1, 8:30 A.M. at the site.

**Noble**, FL2018019, E. Spring Creek, debris removal: An onsite inspection was set for Thursday, May 31, 9:00 A.M. at the site.

**Peura**, FL2017054C, Whale Creek, complaint: An onsite inspection was set for Wednesday, May 30, 11:30 A.M. at the site. Note: The onsite inspection was later cancelled as landowner is unable to attend.

**Pheifer Trust**, FL2017057C, Nine Mile Creek, complaint: An onsite inspection was set for Wednesday, May 30, 9:00 A.M. at the site.

**Reimer**, FL2018012, Haskill Creek, bridge: Ronald Buentemeier stated the application is to replace the current bridge, which is in poor condition, with one consisting of a truck flatbed placed over the stream. Highway dividers will be used for the ends of the bridge. Ronald Buentemeier reviewed the considerations in the Team Member Report and noted that the applicant is permitted to trim willow vegetation, but may not touch root wads. Kenny Breidinger added that the abutments are close together and create a constriction, which sometimes causes water to flow outside of the bridge abutments. Ronald Buentemeier motioned "to approve the application as submitted." Dean Sirucek seconded. Motion carried unanimously.



**Sheppard**, FL2018018, Unnamed, culvert: An onsite inspection was set for Friday, June 8, 1:30 P.M. at the site.

**Smith**, FL2017062, Flathead River, road construction: Lori Curtis motioned “to table until we hear from the landowner.” Verdell Jackson seconded. Motion carried unanimously.

**Stalow**y, FL2016050, Bear Creek, litigation: Supervisors received copies of the response brief that was filed with the court on behalf of the District. Valerie Kurth reported Stalow y sent an email requesting an extension on his existing permit to September 28, 2018. Ronald Buentemeier explained that the pond leveler or Beaver Deceiver, is a metal pipe you can install so beaver cannot tell water level is lowering and they will not continue to dig out the outlet. The boardwalk extension is to the east side of the house. The staff gaging is for Beaver Pond.

Lori Curtis motioned “to approve a permit extension for the boardwalk extension, pond leveler installation, and staff gage installation for Beaver Pond to September 28, 2018.” Dean Sirucek seconded. Motion carried unanimously. Dean Sirucek asked that Stalow y also be reminded to notify the district office once the work is done. District staff will have Caitlin Overland, Flathead County Attorney’s office, review the letter before it is sent.

**Steinberg**, FL2018017, Flathead River, retaining wall/steps/bank stabilization: An onsite inspection was set for Tuesday, May 29, 1:30 P.M. at the site.

### **NEW BUSINESS**

**Cost-Share:** Valerie Kurth presented the Hagen cost-share expenses and photos, and noted the district’s share would be slightly higher than originally estimated, \$1189.82. Lori Curtis motioned “to approve the increase from \$990.45 to \$1189.82 for the Hagan FCD 2017-002 Cost Share.” John Ellis seconded. Motion carried unanimously.

**PLT Workshop:** Valerie Kurth explained a Project Learning Tree workshop for Early Childhood Educators will be held this Saturday, May 19. At least 15 have signed up, and attendance is capped at 25 educators. They want to provide the workbook for all attendees at \$12 each and facilitator stipends at \$150 each. Holly McKenzie has requested \$300 from the district to cover the cost of the workbooks. John Ellis motioned “to approve \$300 for the PLT workshop.” Lori Curtis seconded. Motion carried unanimously.

**Credit Card Authorization & Reallocation:** Valerie Kurth explained that we need to reallocate credit card limits to include Hailey Graf. She suggested re-adjusting the limits as follows: Valerie \$5000, Hailey \$2000. Ronald Buentemeier will remain at \$500 and Pete Woll at \$2500. Lori Curtis motioned “to approve the credit card authorization and reallocation.” Verdell Jackson seconded. Motion carried unanimously.

**Trumbull Creek RRGL Grant Application:** Valerie Kurth reported at the last board meeting the consultant presented the findings of the technical report on Trumbull Creek and the Board supported going forward with the Renewable Resource Grant and Loan (RRGL) application, which is due this Tuesday. The consultant agreed to work on the



application for \$5000, and a phone poll was done. There is also a \$250 RRGL application fee. Valerie recommended funds to come out of the Watersheds Other budget line. Lori Curtis motioned "to accept the updated quote from RESPEC for the Trumbull Creek RRGL application for \$5000, and the \$250 fee for the application. The funds will come from the Watershed Other budget line." Pete Woll seconded. Motion carried unanimously.

**Krause Creek RRGL Grant Application:** Valerie Kurth reported the application was approved by the board a few meetings ago, and the Garners have sent in half the application fee. Lori Curtis motioned "to approve the \$125 portion of the grant application fee for the Krause Creek RRGL grant." Verdell Jackson seconded. Motion carried unanimously.

### **MATTERS OF THE BOARD/STAFF**

**Adopted Rules (AR's):** Kenny Breidinger, FWP, explained that he wanted to take time to discuss the Adopted Rules for 310 permits because he wants a better understanding of when the board decides to deviate from the AR's. He felt the AR's need to be followed; however, there is value in deviating as every situation is different. He added that he wants to work with board because he does not want to go through another arbitration process.

Discussion that followed included: identifying top of the bank; set-back distances; diagrams, cross sections and clarifications in the AR's; and past history and precedence for a given permit. Everyone agreed that any deviation from the ARs should be well-documented.. Ronald Buentemeier noted in the past Don MacIntyre said ARs are not ironclad, so you can vary as long as you have a good reason and it is documented. Most agreed on a need to update the AR's. This will be placed on the business meeting agenda. Clarifications, updates and changes to the AR's are to be brought to the business meeting, which will then be sent to Don MacIntyre for review.

**Area 5 Director:** Pete Woll reported MACD received a nomination for Bill Naegeli from Green Mountain for the vacated Area V Director position; they will officially fill the vacancy on May 18<sup>th</sup>.

The next business meeting is scheduled for Tuesday, May 29, 2018, 7:00 P.M. in the conference room of the USDA building at 133 Interstate Lane, Kalispell.

Adjournment: Pete Woll motioned "to adjourn." Verdell Jackson seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 9:10 P.M.

Submitted By: Ginger Kauffman  
Administrator

Valerie Kurth  
Resource Conservationist

Minutes approved by FCD Board motion made on:

<u>5/29/2018</u>	<u>Ronald Buentemeier</u>	<u>Chair</u>
(Date)	(Signature)	(Title - Chair etc.)

